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Westmoreland Rebuts CBS Program at Libel Trial

By M. A. FARBER

Gen. William C. Westmoreland testified at his libel trial against CBS yesterday that he informed his civilian and military superiors of higher enemy troop estimates in South Vietnam within days of learning of the figures in May 1967.

The 70-year-old retired general took the stand in Federal Court in Manhattan as the 14th witness in his \$120 million suit against the network. He quickly contradicted the thesis of a 1982 CBS Reports documentary that said his command had engaged in a "conspiracy" to "suppress and alter critical intelligence on the enemy" in the year before the Tet offensive of January 1968.

Commanded U.S. Forces

Moreover, General Westmoreland, who commanded United States forces in Vietnam between 1964 and 1968, repeatedly insisted that the Vietcong units on which CBS focused — self-defense and secret self-defense forces and political cadre — were not "a significant military threat." They were not, he said, the armed North Vietnamese or Vietcong "fighters who could damage us, who we had to destroy."

The documentary, "The Uncounted Enemy: A Vietnam Deception," stated that by such actions as dropping the Vietcong's self-defense units from the official listing of enemy strength known as the order of battle, General Westmoreland had deceived President Johnson, the Joint Chiefs of Staff and American troops of the true size of the enemy force in South Vietnam.

Neatly attired in a starched white shirt, dark striped tie and gray suit whose lapel bore a small, rectangular, white- and red-striped Vietnam service ribbon, the general told the jury in a strong voice that he had regularly spent three or four days of each week in Vietnam "in the field," talking to United States field commanders and soldiers and Vietnamese at all levels.

"I don't recall the words self-defense or secret self-defense ever coming forward on those briefings," he said.

The silver-haired general spoke in an accent reminiscent of his South Carolina origins, sometimes sipping from a plastic cup of water in an overheated courtroom where all seats were filled and spectators lined the walls.

He said American troops had "little contact" with the civilian members of the Vietcong's self defense forces, or "home guard," whom he described as old men, women and young boys who dug fortifications, planted punji sticks and carried rice.

"Vietnam was a big piece of real estate," the general said, "600 miles north to south; 120 miles, east to west — and I was all over the place. And my field commanders were hardly aware that there was such an element [as self-defense forces] because they were of no military consequence."

In four hours of testimony, General Westmoreland recalled for the jury his military career, including disciplinary penalties he had incurred as a young lieutenant for speeding over a 20 mile-an-hour limit on an Army base in Hawaii before Pearl Harbor and for once failing to pay his bills on time at a base in Oklahoma, action he had seen at the Battle of the Bulge and elsewhere in Europe as a colonel, and meetings he had with President Johnson at the White House during the Vietnam War.

Though he leaned forward in the witness chair, the general seemed unable at times to hear the questions posed by his lawyer, Dan M. Burt, who paced between a document-strewn lectern and the jury box. At one point, Mr. Burt offered to speak louder.

"I guess," the lawyer lamented, "I don't have a command voice."

Lawyer Cut Him Off

Throughout, Mr. Burt was deferential to the witness, who said he was one of 20 full generals or admirals of similar rank before his retirement in 1972, when he was Chief of Staff of the Army. But once, when General Westmoreland asked if he could "elaborate" on an answer, Mr. Burt cut him off.

"No, not really," he said.

According to the broadcast, General Westmoreland's command was intent upon minimizing the size of the enemy strength to make it appear that America was winning the war, and by doing so left American political leaders, as well as the public and American troops, unprepared for the magnitude of the Tet offensive.

On the 90-minute documentary, the narrator, Mike Wallace, said that a "tactic" of General Westmoreland was to drop the self-defense and secret-self defense forces from the order of battle. Mr. Wallace also said that General Westmoreland had concealed a report by his intelligence chief, Maj. Gen. Joseph A. McChristian, which said that the size of these units was nearly 50,000 higher than the 70,000 estimate contained in the order of battle at the time.

"Shortly after Westmoreland suppressed his intelligence chief's report," Mr. Wallace said on the broadcast, "General Joseph McChristian was transferred out of Vietnam. It was at this point, we believe that MACV [General Westmoreland's command] began to suppress, and then to alter, critical intelligence reports on the strength of the enemy."

Mr. Wallace, who was not in court yesterday, is also a defendant in this case. Other defendants are George Crile, the producer of the documentary, and Samuel A. Adams, a former Central Intelligence Agency analyst who served as a paid consultant to CBS and appeared on the program. Since 1968, Mr. Adams has accused General Westmoreland's command in Saigon of "half-truths, distortions and outright falsehoods" regarding its estimates of enemy strength in South Vietnam.

Disputed CBS Account

Yesterday, General Westmoreland disputed virtually all of CBS's account of the McChristian affair.

General Westmoreland said that by early 1967, General McChristian's two-year tour of duty in Vietnam was ending and the intelligence chief wanted a field command. But General McChristian was an armored officer, General Westmoreland testified, and there were no armored divisions in Vietnam. So, General Westmoreland said, he asked the Pentagon to find an armored unit for General McChristian to lead, and he was assigned to Fort Hood, Tex.

General Westmoreland said he believed that the transfer was arranged by March 1967, two months before General McChristian reported to him that, according to a new study by the latter's order of battle specialists, the size of the self-defense and secret self-defense forces, as well as the size of the guerrillas and political cadre, had been underestimated.

The witness recalled that, one evening in May 1967, General McChristian walked into his office without an appointment and showed him a one-page draft cable that contained the new figures.

As General McChristian recalled the meeting on the CBS broadcast, General Westmoreland was "quite disturbed" by "the large increase in figures that we had developed."

"And by the time I left his office," the intelligence chief told CBS, "I had the definite impression that he felt that if he sent these figures back to Washington at that time, it would create a political bombshell."

Continued

Briefed on Home Guards

Yesterday, General Westmoreland said he had just come in from a field trip when General McChristian appeared with the cable. After looking at the figures for the self-defense and secret self-defense forces, General Westmoreland testified, he said in effect:

"Joe, we're not fighting these people. They're civilians. They don't belong in any numerical strength of the enemy."

General Westmoreland said this was the first time he had been briefed on the strength of the "home guard" units. The order of battle, he said, was a document with "historical," rather than up-to-date, data about the enemy and he had never even read the summaries of it that came into his office.

Only once during his four years in Vietnam, General Westmoreland said, did he visit the office where the order of battle was prepared. Rather, he testified, his focus was on "current intelligence" about the movements and capabilities of North Vietnamese and Vietcong regular troops.

General Westmoreland said he told General McChristian that he wanted to "reflect" on the cable and that his intelligence chief should prepare a further explanation of the figures.

"I was not about to send a cable without a briefing," General Westmoreland testified. "Such a cable, with its numbers, would be terribly misleading and could be misconstrued by people not familiar with this category."

Q. Did General McChristian express any disagreement?

General Westmoreland edged toward the microphone on the witness stand.

A. I don't see how he could. After all, I was the commander.

General Westmoreland said that, on May 20, the new figures were explained at the regular weekly intelligence meeting of his senior staff. A visitor to that session, he said, was Adm. Ulysses S. Grant Sharp, commander in chief of Pacific forces, based in Honolulu.

General Westmoreland said that Admiral Sharp was the superior to whom he reported, according to the military chain of command, and that Ellsworth Bunker, then the United States Ambassador in Saigon, was the civilian superior to whom he was required to report.

The general said he was "very impressed" with the detail of the briefing, but suggested that "the fighters" in the enemy order of battle be listed separately from the "non-fighters."

He said he also ordered that the new figures be explained to the Mission Council, a body of senior American officials in Vietnam, headed by Ambassador Bunker and including C.I.A. representatives. General Westmoreland said that such a briefing was given to the Mission Council, as well as to United States Information Agency officials who had "to interface with the press."

Notes kept by General Westmoreland in 1967, which he said he had for "historical" purposes at the suggestion of former President Dwight D. Eisenhower, were introduced into evidence yesterday by Mr. Burt. They confirmed Admiral Grant's presence at an intelligence briefing in Saigon on May 19, 1967. Other contemporary documents introduced by Mr. Burt corroborated General Westmoreland's statement that he ordered the new figures on enemy strength given to the Mission Council.